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**OU#3 EPA ISA DISPUTE
U.S. DOE - FERNALD
OH6 890 008 976**

01-22-91

**ENDOW/DOE-FSO
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

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JAN 22 1991

REPLY TO ATTENTION OF:

Mr. Andrew P. Avel
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

5HR-12

RE: OU#3 EPA ISA Dispute
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Avel:

1169 On December 21, 1990, the United States Environmental Protection Agency (U.S. EPA) disapproved a revised proposed Initial Screening of Alternatives (ISA) report for Operable Unit (OU) #3. Since this was the second disapproval, U.S. EPA invoked dispute resolution in accordance with Section XII of the 1990 Consent Agreement to prevent the document from being a final primary document.

In the December 21, 1990, ISA disapproval, U.S. EPA proposed a January 3, 1991, informal dispute meeting. U.S. DOE requested that the meeting be postponed and did not propose an alternate date. In a January 15, 1991, meeting, U.S. EPA asked if U.S. DOE was prepared to meet and the response was no.

The 30-day informal dispute period ends on January 22, 1991. Since the initial thirty days of dispute resolution is ending and the dispute is not settled, U.S. EPA is providing this written statement of dispute as required by Section XIV.A of the 1990 Consent Agreement.

A copy of this letter is being provided to the Dispute Resolution Committee, as required by Section XIV.C of the 1990 Consent Agreement. This dispute involves the inadequacy of the revised draft ISA Report for OU#3. U.S. EPA's position on the deficiencies of this document was outlined in detail in U.S. EPA's December 21, 1990, disapproval and Notice of Violation letters.

U.S. EPA is proposing a meeting of the Dispute Resolution Committee on January 30, 1991, at 10:00 a.m. in Chicago.

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Please contact me at (312/FTS) 886-4436, if you have any questions.

Sincerely,



Catherine A. McCord
Remedial Project Manger

cc: Acting Director, OEPA
Graham Mitchell, OEPA-SWDO
Leo Duffy, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO
Gerald Westerbeck, U.S. DOE - Fernald